

REMARKS

Claims 1-34 are pending in the application. Claims 1, 8, 12, 18, 23, 25 and 33 have been amended.

The Examiner indicated Claims 15-17, 19-22, 24, 31, 32 and 34 are allowable.

Claim 25 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 9 of co-pending Application No. 10/767,846. Applicant notes that Claim 9 of co-pending Application No. 10/767,846 was amended in a Response to Office Action of October 5, 2006, mailed January 5, 2007. In view of the amendments to Claim 9 of the '846 application, Applicant respectfully submits that Claim 25 of the instant application recites various features that are neither disclosed nor suggested by amended (and now allowed) Claim 9 of the '846 application. For example, Claim 25 recites "wherein, in response to one of said computing devices being detached from said server, said processor is configured to mark unexecuted ones of said test programs that were distributed to said one of said computing devices to indicate that these test programs were not executed by said one of said computing devices." This feature is neither disclosed nor suggested by Claim 25 of the '846 application. Withdrawal of the double patenting rejection is accordingly requested.

The Examiner further indicated that Claim 25 is in conflict with Claim 9 of Application No. 10/767,850. Applicant respectfully disagrees, and submits that Claim 25 recites a combination that is not in conflict with Claim 9 of the '850 application (including various features that are not recited in Claim 9). For example, Claim 25 recites "wherein, in response to one of said computing devices being detached from said server, said processor is configured to mark unexecuted ones of said test programs that were distributed to said one of said computing devices to indicate that these test programs were not executed by said one of said computing devices." Applicant additionally notes that a Terminal Disclaimer in relation to the present application has already been filed in Application No. 10/767,850.

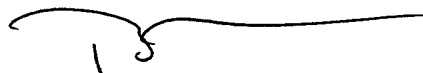
Claims 1-14, 18, 23, 25-30 and 33 were rejected under 35 U.S.C. 112, second paragraph. The claims have been amended to overcome this rejection.

The Examiner further indicated the Information Disclosure Statement mailed February 16, 2007 states "sheet 1 of 2". However, Applicant notes the PTO 1449 consisted of only 1 sheet and "sheet 1 of 2" was a typographical error.

Applicant submits that all claims are now in condition for allowance. An early notice to that effect is earnestly solicited.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-80700.

Respectfully submitted,



B. Noël Kivlin
Reg. No. 33,929
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
Date: July 17, 2007